

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER JON MEIN.	:	CIVIL ACTION NO. 1:10-CV-0712
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
	:	
HON. DEBORAH FISCHER, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 30th day of April, 2010, upon consideration of the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, in which petitioner indicates that he is “on his way to jail” and that his place of confinement is “imminently Pike County Jail, Lords Valley, PA,” and it appearing that petitioner does not meet the “in custody” requirement of 28 U.S.C. § 2254, which confers jurisdiction on the District Courts to entertain petitions for habeas corpus relief only from petitioners who are “in custody pursuant to the judgment of a state court,” see 28 U.S.C. § 2254(a); see also Maleng v. Cook, 490 U.S. 488, 490 (1989) (quoting 28 U.S.C. § 2241(c)(3)); Obado v. New Jersey, 328 F.3d 716, 717 (3d Cir. 2003), and that the United States Supreme Court has interpreted § 2254 as requiring that, at the time the petition is filed, the petitioner must be “in custody” under the conviction or sentence he seeks to attack, Maleng, 490 U.S. at 490 (citing

Carafas v. LaVallee, 391 U.S. 234 (1968)); Young v. Vaughn, 83 F.3d 72, 73 (3d Cir.

1996),¹ it is hereby ORDERED that:

1. The petition for writ of habeas corpus is DISMISSED pursuant to § 2254(a).
2. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ The court utilized the the Vinelink website, <https://www.vinelink.com>, to obtain the custodial status of petitioner. While Vinelink does not provide the date he was taken into custody, it does indicate that his ten to ninety-day sentence was served and he was released from custody on April 18, 2010.